



HON. SYLVIA O. HINDS-RADIX
Corporation Counsel

THE CITY OF NEW YORK
LAW DEPARTMENT
100 CHURCH STREET
NEW YORK, NY 10007

Andrew J. Rauchberg
phone: 212-356-0891
email: arauchbe@law.nyc.gov

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BY ECF

Hon. Andrew L. Carter, Jr.
United States District Judge
Southern District of New York
40 Foley Square
New York, New York 10007

Re: *E.F. et al. v. Adams, et al.*
Index No. 21 CV 11150 (ALC) (SN)

Dear Judge Carter,

I am an Assistant Corporation Counsel in the Office of Hon. Sylvia O. Hinds-Radix, Corporation Counsel of the City of New York, and attorney for the City Defendants in the case referenced above. I write jointly with counsel for the other parties, and pursuant to the Court's Order, set forth in its Opinion and Order dated March 1, 2022, to provide this status update.

I have communicated by email with Elisa Hyman, Esq., one of Plaintiffs' attorneys, as well as Mark Ferguson, Esq., one of the attorneys for the State Defendants, in drafting this letter. As noted, this letter is submitted jointly.

Defendants' Update

Regarding the progress of the implementation of the "OATH plan" (the plan by which impartial due process hearings in New York City for claims brought pursuant to the Individuals with Disabilities Education Act will be adjudicated by OATH, *i.e.* the Office of Administrative Trials and Hearings), OATH now has 31 State-certified hearing officers hired and onboard. Cases continue to be assigned to the OATH hearing officers on a daily basis.

Also, the Court may recall that OATH impartial hearing officers previously were required to reside in the City of New York. OATH applied for an exception to this requirement for its special education unit, and the request was recently granted by the Department of

Citywide Administrative Services. Thus, individuals who are not residents of the City will now be eligible to apply and, if selected, serve as OATH special education hearing officers, including those who are currently per diem hearing officers.

Regarding the related proceeding of *Gronbach et al. v. N.Y. State Education Department et al.*, Index No. 910574-2021 in the New York State Supreme Court in the County of Albany, as with the prior letter, there is no new information to share with the Court. The parties are still waiting for a decision from the court on the City and State's cross-motions to dismiss and Petitioners' application for a preliminary injunction.

Plaintiffs' Update

Plaintiffs have no new update at this time.

The parties jointly thank the Court for its consideration of this matter.

Respectfully submitted,

s/

Andrew J. Rauchberg
Assistant Corporation Counsel

cc: All counsel of record